

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 13901 OF 2017

Ramchand Nandram Lakhwal .. Petitioner

Versus

1. The State of Maharashtra
2. Sub Divisional Officer, Aurangabad
3. Babulal Santram Lakhwal
4. Fakirchand Santram Lakhwal .. Respondents

Mr. D. K. Kulkarni, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 and 2.

Mr. G. D. Jain, Advocate for Respondent Nos. 3 and 4.

**WITH
CIVIL APPLICATION NO. 11720/2018
IN
WRIT PETITION NO. 13901 OF 2017**

Vijay Nandu Chavan .. Applicant

Versus

Ramchand Nandram Lakhwal and others .. Respondents

None for the Applicant.

Mr. D. K. Kulkarni, Advocate for the Respondent No. 1.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 2 and 3.

Mr. G. D. Jain, Advocate for Respondent Nos. 4 and 5.

CORAM : KISHORE C. SANT, J.

DATED : 21st JUNE, 2023.

P.C. :-

. The grievance of the petitioner in this petition is that, he had filed revision before the Additional Divisional Commissioner, Aurangabad bearing Revision Application No. 68/2017. The Additional Divisional Commissioner, however, without passing any order on application for condonation of delay directly rejected the revision application filed by the petitioner by confirming the orders passed by the authorities below.

2. Learned advocate for respondents opposes the petition stating that, in fact, there is alternative remedy provided under the Maharashtra Land Revenue Code and the petitioner can challenge this order before the Hon'ble Minister.

3. Considering the fact that, the delay condonation application itself was not considered by the Additional Divisional Commissioner, it would be proper to direct the Additional Divisional Commissioner to decide the application for condonation of delay and thereafter to decide the main revision.

4. In view of the same, the judgment and order dated 25.10.2017 (Exh.-D) passed by the Additional Divisional Commissioner, Aurangabad is quashed and set aside. The matter is remanded back to

the Additional Divisional Commissioner. The Additional Divisional Commissioner shall first consider the application for condonation of delay and after delay is condoned to consider the main Revision Application 68/2017.

5. With this, the writ petition stands disposed off.

6. The Additional Divisional Commissioner is requested to dispose off the revision within a period of twelve (12) weeks from the date of receipt of this order.

7. In view of disposal of the writ petition, civil application also stands disposed off.

(KISHORE C. SANT, J.)

P.S.B.